

In the Matter of Merchant Mariner's Document No. Z-335341-D4 and all other Seaman Documents

Issued to: ROBERT F. D'FERRAFIAT

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1264

ROBERT F. D'FERRAFIAT

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 9 November 1960, an Examiner of the United States Coast Guard at Houston, Texas suspended Appellant's seaman documents upon finding him guilty of misconduct. The three specifications found proved allege that while serving as a deck maintenanceman on the United States SS OCEAN DINNY under authority of the document above described, on 3 June 1960, Appellant failed to perform his duty, to secure that vessel for sea, due to intoxication; on 7 July 1960, Appellant failed to perform his duty, to stand watch from 0000 to 0800, by being absent the ship without authority; on 15 July 1960, Appellant failed to perform his duties, to secure that vessel for sea and to let go the mooring lines, due to intoxication.

At the hearing, Appellant voluntarily elected to act as his own counsel. Appellant entered pleas of guilty to the specifications alleging offenses on 3 June and 15 July 1960. He entered a plea of not guilty to the alleged offense on 7 July 1960.

The Investigating Officer introduced in evidence several documentary exhibits and rested his case. Appellant did not submit any evidence in defense except his unsworn statement that there was a misunderstanding as to who was to stand the 0000 watch on 7 July 1960; Appellant thought he was supposed to have the 0800 to 1600 watch on this date.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and three specifications had been proved. The Examiner then entered an order suspending all documents, issued to Appellant, for a period of eight months outright plus six months on twelve months' probation. This included a six months' suspension on twelve months' probation imposed in November 1959 for absence without leave, possession of liquor, and leaving his duties without permission or relief.

The rest of Appellant's prior record consists of an admonition in 1954 and a suspension in 1957, each for failure to join his ship.

OPINION

The only grounds for appeal are a request for clemency because going to sea is the only way Appellant can make a living to support his family, and the repeated statement that there was a misunderstanding about the 0000 to 0800 watch on 7 July 1960.

The entry in the Official Logbook, which was introduced in evidence and pertains to the alleged offense on 7 July 1960, constitutes substantial evidence in support of this offense.

The Examiner's order will be affirmed because these three offenses are additional indications of Appellant's lax attitude toward the performance of his duties on board ship. In 1954 and 1957, he was not on board to perform his duties when he failed to join his ship. In 1959, he was again absent from his duties without permission. In the latter case, he was given a six months' suspension which was placed on probation. Since the present offenses occurred within the period of probation, the six months' suspension was put into effect by the Examiner together with an additional two months' outright suspension and another probationary suspension. it is my opinion that this order is entirely justified under the circumstances.

ORDER

The order of the Examiner dated at Houston, Texas, on 9 November 1960, is AFFIRMED.

A. C. Richmond
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 12th day of October 1961.